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Trevor Burbridge

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EXAMINER

YOUSSEF, ADEL Y

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/538,122

Applicant(s)

BURBRIDGE ET AL.

Examiner

Adel Y. Youssef

Art Unit

2109

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 07 June 2005
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 5, 9, 10, 14, 16-19, 23, 27, 31 and 33-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Carroll et al (U.S. Patent No: 6327630).

**Regarding claim 1**, Carroll et al teach a method for coordinating a group of members, the group comprising a first member and one or more other members, each member being arranged to communicate with the other members of the group via a network, the method comprising, at the first one of said group members, the steps of:

monitoring at least one waiting channel for messages indicating that at least one of the one or more other members are joined to the waiting channel (Column 2, lines 27-35; Column 8, lines 30-45; and column 6, lines 40-58; the reference teaches monitoring time service (reads on waiting channel) for

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messages by order. It has one or more member waiting on the time service;  
Figures 2-5);

when the messages indicate that all of the other members have left the waiting channel, performing an action or process (Column 5, lines 40-55; Column 7, lines 10-15, 35-42; Column 11, lines 35-45; and Column 8, lines 30-45; the reference teaches when the inputs empty (reads on members have left) see Figure 4, #23 so we will ask only the processes since all inputs are at time later then #23 waiting messages. Figure 3 discloses when all inputs are non-empty, it will add new process; see Figure 3, Figure 4, #23 and Figure 5).

**Regarding claim 5**, Carroll et al teach the method according to claim 1, wherein the action or process is to perform a predetermined task (Column 3, lines 35-45; column 7, lines 10-20; See Figure 3; the reference teaches that every process in time order to send messages in time line).

**Regarding claim 9**, Carroll et al teach the method according to claim 1, and further comprising the steps of announcing which channel is the waiting channel to the one or more other members (Column 3, lines 35-45; Column 5, lines 41-50; and column 6, lines 1-15; see Figures 2 and 3; the reference teaches the steps of the waiting channel and other members).

**Regarding claim 10**, Carroll et al teach a method for coordinating a group of members, the group comprising a first member and one or more other

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members, each member being arranged to communicate with the other members of the group via a network, the method comprising, at one or more of said other members, the steps of:

joining at least one waiting channel relating to an action or process to be performed by the first member (Column 2, lines 27-35; Column 8, lines 30-45; and column 6 lines 40-58; the reference teaches monitoring time service (waiting channel) for messages by order. It has one or more member who is waiting on the time service; see Figures 2-5).

performing an action or process at the one or more of said other members; and then leaving the waiting channel (Column 5, lines 40-55; Column 7, lines 10-15, 35-42; Column 11, lines 35-45; and Column 8 lines 30-45; the reference teaches when the inputs empty (members have left) see Figure 4, #23 so we will ask only the processes since all inputs are at time later then #23 waiting messages. Figure3 discloses when all inputs are non-empty it will add new process; see Figure 3, Figure 4, #23 and figure 5) .

**Regarding claim 14**, Carroll et al teach the method according to claim 10, wherein the action or process is to perform a predetermined task (Column 3, lines 30-50; column 7, lines 10-20; Figure3; the reference teaches that every process in time order to send massages in time line).

**Regarding claim 16**, Carroll et al teach the method according to claim 10, and further comprising the steps of receiving an announcement indicating which

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channel is the waiting channel from the first member (Column 3, lines 35-45; Column 5, lines 40-50; column 6, lines 1-15; Figures 2 and 3; the references teaches the steps of the waiting channel and other members waiting for process take the most senior message (reads on first member)).

**Regarding claim 17,** Carroll et al teach the computer program or suite of programs so arranged such that when executed by a computer system the program or programs cause the computer system to operate according to the method of claim 1 (Column 4, lines 50-66; column 5, lines 1-35; Figure 1; and column 9; the reference teaches program use real clock values C++ can be used for time).

**Regarding claim 18,** Carroll et al teach the computer-readable storage medium or media storing a computer program or suite of programs as claimed in claim 17 (Column 5, lines 10-35; the reference use C++ for real time clock).

**Regarding claim 19,** Carroll et al teach a device arranged to co-ordinate with one or more other devices, each device being arranged to communicate via a network, the device comprising:

(a) monitoring means arranged in use to monitor at least one waiting channel for messages indicating that at least one of the one or more others of said devices are joined to the waiting channel (Column 2, lines 27-35; Column 8, lines 20-35; Column 3, lines 34-40; and column 6, lines 39-46; the reference

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teaches monitoring time service (reads on waiting channel) for messages by order. It has one or more member who is waiting on the time of service; see Figures 2-5); and

**(b)** means for performing an action or process so arranged such that when the messages indicate that all of the other devices have left the waiting channel the means performs said action or process (Column 5, lines 40-50; Column 7, lines 10-14, 35-42; Column 11, lines 23-33; and Column 8, lines 20-35; the reference teaches when the inputs empty (reads on members have left); see Figure 4, #23; Figure3 discloses when all inputs are non-empty it will add new process; see Figure 3, Figure 4, #23 and Figure 5).

**Regarding claim 23,** Carroll et al teach the device according to claim 19, wherein the means for performing an action or process are further arranged in use to perform a predetermined task (see Column 3, lines 30-45; column 7, lines 10-20; Figure3; the reference teaches that every process in time order to send messages in time line).

**Regarding claim 27,** Carroll et al teach a device arranged to co-ordinate with another device, each device being arranged to communicate via a network, (Column 1, lines 5, 13-23, and 44-48; column 6, lines 6-11; the reference teaches multi-processor computer communicate with one another by exchanging messages by first one of the group; see Figures 1 and 4), the device comprising:

(a) channel joining means arranged in use to join at least one waiting channel relating to an action or process to be performed by the first device (column 6, lines 37-47; column 7, lines 10-15; The reference teaches time service (reads on waiting channel) for messages, the process take the most senior message by first computer (reads on first member); Figures 2 and 3).

(b) means for performing an action or process; and channel leaving means arranged in use to leave the waiting channel (Column 5, lines 40-50; Column 7, lines 10-14, 35-42; Column 11, lines 23-33; and Column 8, lines 20-35; the reference teaches when the inputs empty (reads on members have left) see Figure 4, #23; Figure 3 discloses when all inputs are non-empty it will add new process; see Figure 3, Figure 4, #23 and Figure 5).

**Regarding claim 31**, Carroll et al teach wherein the means for performing an action or process are further arranged in use to perform a predetermined task (Column 3, lines 30-40; column 7, lines 10-20; Figure 3; the reference teaches that every process in time order to send messages in time line).

**Regarding claim 33**, Carroll et al teach the device comprising announcement receiving means arranged in use to receive an announcement indicating which channel is the waiting channel from the other device (Column 3, lines 35-45; the reference teaches messages are sent along every channel in order by time and receiving in order by time; see Figures 2-4).



**Regarding claim 34,** Carroll et al teach a network channel when used as a waiting channel, wherein members of a group other than a first member join the waiting channel whilst performing an action or process, and then leave the waiting channel once the action or process has been performed (Column 5, lines 40-50; Column 7, lines 10-14, 35-42; Column 11, lines 23-33; and Column 8, lines 20-35; the reference teaches when the inputs are empty (reads on members have left), it waits for the new messages; when the inputs are non-empty, it will add new process; see Figure 3, Figure 4, #23 and Figure 5);

wherein the first member of the group then performs an action or process (column 6, lines 37-47; column 7, lines 10-15; the process takes the most senior message (first member); see Figure 2 and Figure 3).

**Regarding claim 35,** Carroll et al teach a method of group co-ordination using a network, wherein members of a group other than a first member join at least one network channel designated as a waiting channel whilst performing an action or process, and then leave the waiting channel once the action or process has been performed, (Column 5, lines 40-50; Column 7, lines 10-14, 35-42; Column 11, lines 23-33; and Column 8, lines 20-35; the reference teaches when the inputs are empty (reads on members have left), the network will wait for new messages; when all inputs are non-empty, it will add new process; see Figure 3, Figure 4, #23 and Figure 5);

wherein the first member of the group then performs an action or process (Column 6, lines 37-47; column 7, lines 10-15; see Figure 2 and Figure 3).

**Regarding claim 36**, Carroll et al teach wherein messages are sent to the first member on the waiting channel indicating whether or not any of the other members are joined to the waiting channel (Column 6, lines 37-47; column 7, lines 10-15; column 8, lines 20-26; see Figures 2, 3 and 5).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-4, 6-8, 11-13, 15, 20-22, 24-26, 28-30 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carroll et al. in view of Briscoe et al. (PGPub No. 2002/0081995).

**Regarding claim 2**, Carroll et al teach the method according to claim 1 except for transmitting data onto one or more other channels. However, Briscoe et al. teach a method for transmitting data wherein the action or process to be performed comprises transmitting data onto one or more other channels (Page 5, paragraph [0091]; page 8, paragraph [0115], Figure 1). Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the method of Carroll et al to include more details for transmitting data using

different kind of data (voice, video) as taught by Briscoe in order to provide different kind of communication, thereby increasing customers and profits.

**Regarding claim 3,** Carroll et al teach the method of claim 2 except for a multicast channel. However, Briscoe et al teach a method of multicast wherein at least one of the one or more other channels is a multicast channel (Page 6, paragraph [0107], lines 14-25; see Figure 1. Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the method of Carroll et al to include a multicast channel as taught by Briscoe in order for multiple users to communicate, thereby increasing customer services.

**Regarding claim 4,** Carroll et al teach the method of claim 2 except for specific that data is audio and/or video data. However, Briscoe et al teach a method wherein data is audio and/or video data (Page 8, paragraph [0120]; see figure 12. Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the method of Carroll et al to include audio and video data as taught by Briscoe in order to have different kind of communication by multiple ways to communicate different way to improve more services.

**Regarding claim 6,** Carroll et al teach the method according to claim 1 except for the waiting channel being a multicast channel. However, Briscoe et al teach a method wherein the waiting channel is a multicast channel (page 2,

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paragraph [0028], lines 1-15). Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the method of Carroll et al. to include a multicast channel as taught by Briscoe in order to communication by multiple different users. Multicast improves more services and increasing more customers.

**Regarding claim 7,** Carroll et al teach the method according to claim 1 except for the messages are generated by a network router. However, Briscoe et al. teach a network router that sends and receives messages (Page2, paragraph [0039]; see Figure 1, #3, #4, routers). Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the method of Carroll et al to include a network router as taught by Briscoe in order to responsible for replicating source content and forwarding it to multiple recipients. Routers use the PIM protocol to build "distribution trees" for multicast routing in the network. Routers replicate source content at any point where the network paths diverge, and use Reverse Path Forwarding (RPF) techniques to ensure content is forwarded to the appropriate downstream paths without routing loops. Routers improve more services for user.

**Regarding claim 8,** Carroll et al teach the method according to claim 1 except for the messages are Multicast Source Notification of Interest Protocol (MSNIP) messages. Briscoe et al teach Multicast Source Notification of Interest Protocol (Page3, paragraph [0053]; see Figure 1, #3, #4, #7, #8 and #9).

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Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the method of Carroll et al to include the MSNIP as taught by Briscoe in order to use IP Multicast in a variety of different protocols so that it can be suitable to the different network environments, thereby increasing customer services.

**Regarding claim 11**, Carroll et al teach the method according to claim 10 except for transmitting data onto one or more other channels. However, Briscoe et al. teach a method for transmitting data wherein the action or process to be performed comprises transmitting data onto one or more other channels (Page 5, paragraph [0091]; page 8, paragraph [0115], Figure 1). Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the method of Carroll et al to include more details for transmitting data using different kind of data (voice, video) as taught by Briscoe in order to provide different kind of communication, thereby increasing customers and profits.

**Regarding claim 12**, Carroll et al teach the method of claim 11 except for a multicast channel. However, Briscoe et al teach a method of multicast wherein at least one of the one or more other channels is a multicast channel (Page 6, paragraph [0107], lines 14-25; see Figure 1. Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the method of Carroll et al to include a multicast channel as taught by Briscoe in order for multiple users to communicate, thereby increasing customer services.

**Regarding claim 13**, Carroll et al teach the method of claim 10 except for specific that data is audio and/or video data. However, Briscoe et al teach a method wherein data is audio and/or video data (Page 8, paragraph [0120]; see figure 12. Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the method of Carroll et al to include audio and video data as taught by Briscoe in order to have different kind of communication by multiple ways to communicate different way to improve more services.

**Regarding claim 15**, Carroll et al teach the method according to claim 10 except for the waiting channel being a multicast channel. However, Briscoe et al teach a method wherein the waiting channel is a multicast channel (page 2, paragraph [0028], lines 1-15). Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the method of Carroll et al. to include a multicast channel as taught by Briscoe in order to communication by multiple different users. Multicast improves more services and increasing more customers.

**Regarding claim 20**, Carroll et al teach a device according to claim 19, except for transmitting data onto one or more other channels. However, Briscoe et al. teach a method for transmitting data wherein the action or process to be

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performed comprises transmitting data onto one or more other channels (Page 5, paragraph [0091]; page 8, paragraph [0115], Figure 1). Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the device of Carroll et al to include more details for transmitting data using different kind of data (voice, video) as taught by Briscoe in order to provide different kind of communication, thereby increasing customers and profits.

**Regarding claim 21** Carroll et al teach the device of claim 20 except for a multicast channel. However, Briscoe et al teach the device of multicast wherein at least one of the one or more other channels is a multicast channel (Page 6, paragraph [0107], lines 14-25; see Figure 1. Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the device of Carroll et al to include a multicast channel as taught by Briscoe in order for multiple users to communicate, thereby increasing customer services.

**Regarding claim 22,** Carroll et al teach the device of claim 20 except for specific that data is audio and/or video data. However, Briscoe et al teach the device wherein data is audio and/or video data (Page 8, paragraph [0120]; see figure 12. Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the device of Carroll et al to include audio and video data as taught by Briscoe in order to have different kind of communication by multiple ways to communicate different way to improve more services.

**Regarding claim 24**, Carroll et al teach the device according to claim 19 except for the waiting channel being a multicast channel. However, Briscoe et al teach the device wherein the waiting channel is a multicast channel (page 2, paragraph [0028], lines 1-15). Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the device of Carroll et al. to include a multicast channel as taught by Briscoe in order to communication by multiple different users. Multicast improves more services and increasing more customers.

**Regarding claim 25**, Carroll et al teach the device according to claim 19 except for the messages are generated by a network router. However, Briscoe et al. teach a network router that sends and receives messages (Page2, paragraph [0039]; see Figure 1, #3, #4, routers). Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the device of Carrol et al to include a network router as taught by Briscoe in order to responsible for replicating source content and forwarding it to multiple recipients. Routers use the PIM protocol to build "distribution trees" for multicast routing in the network. Routers replicate source content at any point where the network paths diverge, and use Reverse Path Forwarding (RPF) techniques to ensure content is forwarded to the appropriate downstream paths without routing loops. Routers improve more services for user.



**Regarding claim 26,** Carroll et al teach the device according to claim 19 except for the messages are Multicast Source Notification of Interest Protocol (MSNIP) messages. Briscoe et al teach Multicast Source Notification of Interest Protocol (Page3, paragraph [0053]; see Figure 1, #3, #4, #7, #8 and #9). Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the device of Carrol et al to include the MSNIP as taught by Briscoe in order to use IP Multicast in a variety of different protocols so that it can be suitable to the different network environments, thereby increasing customer services.

**Regarding claim 28,** Carroll et al teach the device according to claim 27 except for data receiving means arranged in use to receive data from one or more other channels. However, Briscoe et al. teach the device for receiving data wherein the action or process to be performed comprises receiving data onto one or more other channels (Page 5, paragraph [0091]; page 8, paragraph [0115], Figure 1). Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the device of Carroll et al to include more details for receiving data using different kind of data (voice, video) as taught by Briscoe in order to provide different kind of communication, thereby increasing customers and profits.

**Regarding claim 29,** Carroll et al teach the device according to claim 28, wherein at least one of the one of the one or more other channels except for

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the waiting channel being a multicast channel. However, Briscoe et al teach the device wherein the waiting channel is a multicast channel (page 2, paragraph [0028], lines 1-15). Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the method of Carroll et al. to include a multicast channel as taught by Briscoe in order to communication by multiple different users. Multicast improves more services and increasing more customers.

**Regarding claim 30,** Carroll et al teach the device of claim 28 except for specific that data is audio and/or video data. However, Briscoe et al teach the device wherein data is audio and/or video data (Page 8, paragraph [0120]; see figure 12. Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the device of Carroll et al to include audio and video data as taught by Briscoe in order to have different kind of communication by multiple ways to communicate different way to improve more services.

**Regarding claim 32,** Carroll et al teach the device according to claim 27 except for the waiting channel being a multicast channel. However, Briscoe et al teach the device wherein the waiting channel is a multicast channel (page 2, paragraph [0028], lines 1-15). Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the device of Carroll et al. to include a multicast channel as taught by Briscoe in order to communication

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by multiple different users. Multicast improves more services and increasing more customers.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure Vincent (U.S. patent No: 7020717) teaches system and method for communications between consumer and publisher applications by using a shard state memory among message topic server and message routers.

6. Any response to this Office Action should be **faxed** to (571) 273-8300 or **mailed to**:

Commissioner for patents  
P.O.Box1450  
Alexandria, VA 22313-1450

**Hand-delivered responses should be brought to**  
Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adel Y. Youssef whose telephone number is 571-270-3525. The examiner can normally be reached on Monday to Thursday 8am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BENNY TIEU can be reached on 571-272-7490. The fax

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phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ADEL YOUSSEF  
UNIT#2109  
08/06/2007

  
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SPE/TRAINER